

NOT FOR PUBLICATION

CLOSED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LAURETTA WILLIAMS

Plaintiffs,

v.

CAPITAL ONE BANK

Defendants.

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 11-cv-983 (DMC - JAD)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon a Report and Recommendation (“R & R”) (ECF No. 16) filed by Magistrate Judge Mark Falk (hereinafter, “Judge Falk”) on December 30, 2011 recommending that this Court grant Defendant’s motion to dismiss filed on December 9, 2011 due to Lack of Prosecution.

The parties were given notice that pursuant to Local Civil Rule 72.1, they had fourteen days from receipt of the R & R to file and serve any objections. Plaintiff filed opposition on February 2, 2012 (ECF No. 18). This Court is mindful of precedent in this District permitting relaxation of timeliness rules for pro se litigants, and has considered the objections raised by Plaintiff despite Plaintiff’s filing out of time. See e.g., Martin v. Keitel, 2007 U.S. Dist. LEXIS 29000, *1-2 (D.N.J. Apr. 18, 2007) (JLL).

The standard of review guiding this Court contemplates “a de novo determination of those portions [of the R & R] to which objection is made.” L. CIV. R. 72.1(c)(2). This Court may “accept,

reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.” Id. In conducting its review, the Court “may consider the record developed before the Magistrate Judge, making [its] own determination on the basis of that record.” See also, N.J. Brain & Spine Cntr. v. Conn. Gen. Life Ins., No. 10-cv-4260, 2011 WL 4737063, at *2 (Oct. 6, 2011) (citing State Farm Indem. v. Fornaro, 227 F.Supp.2d 229, 231 (D.N.J.2002)). For the reasons stated herein, this Court **adopts** Judge Falk’s R & R as the opinion of the Court.

WHEREAS Plaintiff’s claims are contained in the Notice of Removal (ECF No. 1) filed on February 22, 2011;

WHEREAS Judge Falk finds that Plaintiff’s failure to enter an appearance in the case or do anything else to suggests that she has abandoned the matter altogether. See Mindek, 964 F.2d at 1373 (“[J]udges, confronted with litigants who flagrantly violate or ignore court orders, often have no appropriate or efficacious recourse other than dismissal of the complaint with prejudice.”).

WHEREAS this Court, upon review of Judge Falk’s recommendation and the record before it, finds that Plaintiff’s complaint should be dismissed;

IT IS on this 13th day of July, 2012,

ORDERED that Defendants’ motion to dismiss is **granted**; and

IT IS FURTHER ORDERED that Judge Falk’s R & R is hereby **adopted** as the opinion of this Court.

S/DENNIS M. CAVANAUGH
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk
cc: All Counsel of Record
Hon. Mark Falk, U.S.M.J.
File